(35)

HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 2329 OF 2006

PETITIONER	:	Kishore Kumar S/o Late Laxmi Das Bhanushali, aged about 47 years, Managing Director, Sun Om Hotel Pvt. Ltd. Railway Station Chowk, Raipur, District Raipur, C.G.
	Versus	
RESPONDENT	:	Municipal Corporation Raipur, through its commissioner, At/Post Raipur, Distt. Raipur, Chhattisgarh.

Present : Shri A.K. Prasad, learned counsel for the petitioner.

(ORAL ORDER)
(Passed on 05th May, 2006)

To put the case of the petitioner pithily is that activities of some persons in the land belonging to the respondent – Corporation which land is adjacent to the land of the petitioner in which he is carrying on Hotel business, has been causing nuisance to the petitioner. So complaining, the petitioner has filed this writ petition seeking intervention of the Court. If the activities carried on by some persons in the land belonging to the Municipal Corporation causes nuisance affecting any of the civil rights of the petitioner, he can workout his legal remedies before the jurisdictional Civil Court by instituting a suit for declaration and/or injunction. Article 226 power cannot be invoked for grant of such relief. Whether the activities of those persons in the Municipal Corporation land have violated any of the legal rights of the petitioner, and if so, what reliefs could be granted are very much within the jurisdiction of the Civil Court. In that

view of the matter, I decline to entertain this writ petition. The writ petition is accordingly dismissed, however, reserving liberty to the petitioner to workout his legal remedies before the jurisdictional Civil Court, if he is so advised. No costs.

Sd/-
Chief Justice